

FILED 10 OCT 15 1602810 ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RICHARD GERALD ORR,

Plaintiff, Civil No. 10-6269-TC

v. ORDER

AARON FELTON, et al.,

Defendants.

HOGAN, District Judge.

Plaintiff has filed three Motions for preliminary injunctive relief (#6), (#10) and (#21).

In order to merit preliminary injunctive relief, the moving party must show, at an irreducible minimum, that they have a fair chance of success on the merits. Stanley v. University of Southern California, 13 F.3d 1313, 1319 (9th Cir. 1994), quoting Martin v. International Olympic Committee, 740 F.2d 670, 674-675 (9th Cir. 1994); Committee of Cent. American Refugees v. I.N.S., 795 F.2d 1434, 1437 (9th Cir. 1986). This is so because the probability of success on the merits is the critical standard in determining the propriety of preliminary

relief. Lancor v. Lebanon Housing Authority, 760 F.2d 361, 362 (1st Cir. 1985).

In this case, plaintiff's complaint has been dismissed for failure to state a claim and for failure to comply with the minimal pleading requirements of the federal rules. Although plaintiff has been granted leave to amend, at this point he does not have a cognizable claim before the court. Therefore, plaintiff has not established a fair chance of success on the merits of his underlying claims.

Plaintiff's Motions for Injunctive Relief (#6), (#10, and (#21) are denied.

IT IS SO ORDERED

DATED this 15th day of October, 2010.



Michael R. Hogan
United States District Judge
